

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 12, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-11444 - APPLICANT/OWNER: GREAT MALL OF LAS VEGAS, LLC

**** CONDITIONS ****

The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Major Modification (MOD-11449) and Site Development Plan Review (SDR-10126) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit to allow a development in excess of 12 stories and a Waiver of the 330-foot distance separation requirement from single-family residences on property adjacent to the northeast corner of Deer Springs Way and Grand Montecito Parkway. A Major Modification (MOD-11449), Variance (VAR-13505) and Site Development Plan Review (SDR-10126) will also be heard with this item.

EXECUTIVE SUMMARY

The subject site is an appropriate area for high rise buildings. The two 21-story towers meet the required Residential Adjacency setback from existing single-family dwellings to the south. A city park is adjacent to the north, providing a buffer from future development in that direction. U.S. Highway 95 provides an existing buffer from development to the east. Grand Montecito Parkway and the approved multi-story hospital to the west are also at an appropriate scale of development for the area. Approval is subject to approval of the Major Modification to the Town Center Land Use Plan and the accompanying Site Development Plan Review.

BACKGROUND INFORMATION

A) Related Actions

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| 12/07/98 | The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) of a 1,468-acre portion of the Northwest, including the subject site. The Planning Commission and staff recommended approval. |
| 11/07/01 | The City Council approved the Town Center Development Standards Manual, which designated the subject site as MS-TC (Main Street Mixed Use - Town Center). |
| 03/06/02 | The City Council approved a Development Agreement (DA-0002-01) between the City of Las Vegas and Montecito Town Center, LLC to establish standards for the 172-acre area within the Centennial Hills Town Center known as Montecito Town Center. The Planning Commission and staff recommended approval. |
| 04/07/04 | The City Council approved a Major Modification (MOD-3735) to the Montecito Development Agreement to add 10 acres to the plan at the southeast corner of Deer Springs Way and Grand Montecito Parkway. Also approved were a Special |

Use Permit (SUP-3503) for a gated subdivision with private streets and a Site Development Plan Review (SDR-3505) for a proposed 96-lot single-family residential development on the 10-acre site. This site is directly south of the subject property.

- 12/01/04 The City Council approved a Major Modification (MOD-5497) of the Town Center Land Use Plan to change the land use designation from MS-TC (Main Street Mixed Use – Town Center) to GC-TC (General Commercial – Town Center) on 24.91 acres adjacent to the northwest corner of Deer Springs Way and U.S. Highway 95. The Planning Commission and staff recommended approval.
- 06/01/05 A request to amend the Master Plan of Streets and Highways to realign a portion of Grand Montecito Parkway between Dorrell Lane and Deer Springs Way was Withdrawn Without Prejudice by the City Council.
- 05/25/06 The Planning Commission held this item in abeyance to the 06/08/06 PC meeting to allow the applicant additional time to discuss and resolve access and traffic issues with the Department of Public Works
- 06/07/06 The City Council approved a General Plan Amendment (GPA-12273) to amend Map 2 and Map 6 of the Transportation Trails Element of the Las Vegas 2020 Master Plan to delete one Transportation Trail Alignment and revise two other alignments from Transportation Trails to Pedestrian Paths. The Planning Commission and staff recommended approval.
- 06/08/06 The Planning Commission recommended denial of companion items MOD-11449, VAR-13505 and SDR-10126 concurrently with this application.
- 06/08/06 The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #26/ss).

B) Pre-Application Meeting

- 10/06/05 A neighborhood meeting will be required for this project. The Doe Brook right-of-way, which bisects the property, was discussed. Traffic signals must be in operation prior to opening of the mall. A right turn lane must be provided at Montecito Parkway and Deer Springs Way. The floor area ratio cap in the Montecito Town Center portion was discussed, as well as required open space. Streets will be designed to meet Town Center standards. A parking analysis will be required. Other issues included walls on the west side of Grand Montecito Parkway, signage, and landscaping.
- 11/21/05 Guidelines were given for submittal of Major Modification, Special Use Permit, and Site Development Plan Review applications for review. Applications should be updated as appropriate. The applicant was asked to clarify the site plan to

show which part is located within the GC-TC District, and to provide an update of the current number of residential units in the Montecito area. The vicinity map should show how major streets will be able to get to the project site. Cross sections of Grand Montecito Parkway should be provided showing the proposed parking structure.

C) *Neighborhood Meetings*

02/28/06 Over 150 members of the public were in attendance. Comments and concerns included the following:

- The Town Center portion should be two stories, and all high-rise development should be planned in the Montecito portion.
- Concerns about traffic in the area
- Issues with proposed bus stop
- There was a concern that the project was too large.
- A park should be located closer to the Timberlake area.

05/16/06 A second meeting was held at Santa Fe Station and was attended by 39 citizens. Representatives of the applicant told those gathered that if approved, the mall would break ground in April 2007, with the two anchors opening by 2008. The mall is to be three stories. The condominiums would be located in two 15-story towers, a point of concern for the neighbors. Residents also wanted to know about the size of the project, potential tenants, parking, gathering areas, where offices would be located, and weekend construction. Concerns from the public that could potentially become conditions of approval included the following:

- Security lighting – wanted minimum standards; no 30 foot poles
- Will exceed minimum landscape all around
- Bus stop & shuttle built by applicant
- Towers will follow 12 months behind mall
- Residents want retail kiosks in outside area
- Parking structure mesh wall to mitigate sound & light
- North-south parking trail
- Parking within the “lifestyle center” entrance

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 49.82

B) Existing Land Use

Subject Property: Undeveloped
North: Public Park (Mountain Ridge Park)
South: Single Family Residential
East: U.S. Highway 95
West: Undeveloped

C) Planned Land Use

Subject Property: GC-TC (General Commercial – Town Center)
MS-TC (Main Street Mixed Use – Town Center)
North: PF-TC (Public Facilities – Town Center)
South: MS-TC (Main Street Mixed Use – Town Center)
L-TC (Low Density Residential – Town Center)
East: ROW (Right-of-Way)
West: MS-TC (Main Street Mixed Use – Town Center)

D) Existing Zoning

Subject Property: T-C (Town Center)
North: T-C (Town Center)
South: T-C (Town Center)
East: T-C (Town Center)
West: T-C (Town Center)

E) General Plan Compliance

The subject site is designated TC (Town Center) on the Centennial Hills Interlocal Land Use Map in the Centennial Hills Sector Plan of the City's Master Plan. This category is intended to be the principal employment center for the Northwest and is a mixed-use development category. The mix of uses can include mall facilities, high-density residential uses, planned business, office and industrial parks and recreational uses, as compatibility allows. The existing T-C (Town Center) Zoning District conforms to the TC (Town Center) Master Plan land use designation, and the range of office, retail and high density residential uses also conforms to the TC designation.

Although the western portion of the site is designated as MS-TC (Main Street Mixed Use - Town Center) in the Town Center Development Standards Manual, the provisions of the Montecito Town Center Development Agreement supersede regulations associated with Town Center, unless the Agreement is silent on a particular issue.

The Montecito Development Agreement, approved on March 6, 2002, fulfils the requirement for a development agreement in the Town Center Development Standards Manual. In the Montecito Development Agreement, the site is identified as "Montecito Town Center Mixed Use Commercial" on Figure 3 of that document. Within the Montecito Town Center Development Agreement, the Montecito Town Center Mixed Use Commercial area is further divided into six "Activity Areas". Although these Activity Areas are not specifically identified on a map or in the text of the Agreement,

the western portion of the proposed regional mall project would conform to the requirements of the “Regional Center” Activity Area, by providing retail, office and service uses that will provide significant levels of employment in the area. The project also includes a significant housing element that would belong to the “High Density Residential” Activity Area. As a result, the proposed regional mall development complies with the relevant land use regulations.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Town Center	X	
Special Overlay District		X
Trails	X	
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment	X	
Project of Regional Significance		X

Town Center

The site is located within the Town Center Master Plan and is designated GC-TC (General Commercial – Town Center). This land use category allows all types of retail, service, office and other general business uses of a more intense commercial character. The applicant, through this Major Modification, requests to change the land use to UC-TC (Urban Center Mixed Use – Town Center), which typically consists of multi-story mixed-use developments that maximize the use of the property. There is no density limit in the UC-TC District; however, height standards and land availability restrict the number of units that can be provided.

Trails

A segment of a Multi-Use Transportation Trail is proposed on the north side of Deer Springs Way between Doe Brook Trail and Oso Blanca Road. On June 7, 2006 the City Council will consider a General Plan Amendment (GPA-12273) to amend Map 2 and Map 6 of the Transportation Trails Element of the Las Vegas 2020 Master Plan to delete this trail alignment. There are no other trails adjacent to the proposed project, except as required by Town Center roadway standards.

Development Impact Notice Assessment (DINA)

The proposed project is deemed to be a “Project of Significant Impact” based on traffic projections in the area. The applicant was required to submit an environmental impact questionnaire that was reviewed by various local and regional agencies. A summary of their comments appears below in the “Interagency Issues” section below.

INTERAGENCY ISSUES

Pursuant to Ordinance 5227 and in accordance with NRS Chapter 481, the proposed project is deemed to be a "Project of Significant Impact" because it proposes a commercial or industrial facility that will generate more than 3,000 average daily trips.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. A summary of the comments received, including recommendation for mitigation measures is as follows:

- 1) The Las Vegas Valley Water District determined that the proposed project will not have a significant impact on the capacity of the District's water supply system.
- 2) The Sanitary Sewer Planning Section of the Department of Public Works requires an update to the Montecito Town Center Sewer Master Plan to identify residential units in this area. The 10-inch sewer in the existing "old" Durango alignment shall be relocated. If not already constructed, the sewer in Grand Montecito Parkway shall be extended to the northern edge of the development, and the sewer crossing in Grand Montecito Parkway at I-215 shall be improved to 18-inch.
- 3) The Flood Control Section of the Department of Public Works requires a technical drainage study regarding the subject project to address and mitigate the drainage impact to the vicinity areas. The drainage study must be prepared by a Nevada registered civil engineer and submitted to City of Las Vegas Flood Control Division for review and approval.
- 4) The Las Vegas Metropolitan Police Department is concerned that the proposed number of residential units will potentially increase the number of calls for service, thereby increasing response times in the area. The commercial portion of the project will also generate a number of calls that may increase response times in the area. The Department also wishes to be involved in the required Development Agreement process.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to making a decision on the proposal.

ANALYSIS

A) Zoning Code Compliance

A1) Height and Bulk Standards

Pursuant to the Town Center Development Standards Manual and the Montecito Development Agreement, the following standards apply to the subject proposal:

Buildings within the Montecito plan area shall not exceed 500 feet in height. High density residential buildings shall not exceed 12 stories or 150 feet without Special Use Permit approval. The Town Center Development Standards Manual only specifies 12 stories as the maximum height above which Special Use Permit approval is required. The residential portion is proposed to reach 21 stories and 250 feet above grade. These Special Use Permit requests are considered on a case-by-case basis and have no mandatory conditions of approval.

A2) Minimum Distance Separation Requirements

Pursuant to the Town Center Development Standards, the following Standards apply to the subject proposal:

High density mixed-use residential uses shall not locate within 330 feet of any single-family detached dwelling. The closest residential use on the proposed mixed-use site is approximately 380 feet from the existing single-family dwellings to the south; however, the property itself is separated only by the Deer Springs Way right-of-way. The two condominium towers are at least 840 feet from the existing residences.

B) General Analysis and Discussion

- **Zoning**

The subject site is currently zoned T-C (Town Center) with a GC-TC (Urban Center Mixed Use - Town Center) General Plan designation on the triangular east portion of the overall site and a MS-TC (Main Street Mixed Use - Town Center) designation on the west portion of the overall site. While these designations have been applied through the Centennial Hills Sector Plan of the General Plan and are reflected in the Town Center Development Standards Manual, the MS-TC land use designation is superseded by the Montecito Town Center Master Development Plan, which designates that area as a portion of the “Montecito Town Center Mixed Use Commercial Area.” Where the Montecito Town Center Land Use and Design Standards are silent, the Town Center Development Standards Manual applies.

- **Use**

The applicant proposes two residential condominium towers that reach 21 stories above grade. This includes additional floors for parking. Tower 2 as indicated on the submitted site plan is 250 feet tall and meets the required Residential Adjacency setback from existing single-family dwellings to the south. The project is not subject to the restrictions of the Airport Overlay District. The proposed height is compatible with the surrounding area, which includes a city park to the north, U.S Highway 95 to the east, and an approved eight-story medical center to the west. The Waiver is a result of the development parcels’ location across Deer Springs Way from existing single-

family dwellings. However, the taller elements of each structure are pushed back on the site to reduce shadowing and other negative effects on residents.

- Conditions

There are no specific standards for buildings that exceed the 12-story height limitation in Town Center. The merits of each project are determined on a case-by-case basis.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The subject site is an appropriate area for high rise buildings. The two 21-story towers meet the required Residential Adjacency setback from existing single-family dwellings to the south. A city park is adjacent to the north, providing a buffer from future development in that direction. U.S. Highway 95 provides an existing buffer from development to the east. Grand Montecito Parkway and the approved multi-story hospital to the west are also at an appropriate scale of development for the area. The project is not subject to the restrictions of the Airport Overlay District.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is suitable for mixed-use commercial and residential development, including high rise condominium towers.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The applicant has proposed streets adjacent to the development that the City finds adequate to meet the needs of this regional center. Area residents voiced support for an alternative realignment of Deer Springs Way and intersection with Doe Brook Trail. The site is served by Grand Montecito Parkway, a proposed 90-foot Loop Road; Deer Springs Way, a proposed Town Center Arterial and Tertiary Road; and Oso Blanca Road, a proposed 80-foot Frontage Road. Some of the streets are not clearly defined by the standards; they have been engineered with oversight from the Department of Public Works, as is permitted by the Town Center Development Standards.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed use will not compromise the public health, safety, and welfare because the use will be constructed in compliance with applicable building codes.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 615 by City Clerk

APPROVALS 0

PROTESTS 0